

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 C 269	DATE	1/16/2003
CASE TITLE	Penny Gentieu vs. Tony Stone Images/Chicago		



[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

**MOTION:**

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**DOCKET ENTRY:**

(1)	<input type="checkbox"/>	Filed motion of [ use listing in "Motion" box above.]
(2)	<input type="checkbox"/>	Brief in support of motion due _____.
(3)	<input type="checkbox"/>	Answer brief to motion due _____. Reply to answer brief due _____.
(4)	<input type="checkbox"/>	Ruling/Hearing on _____ set for _____ at _____.
(5)	<input type="checkbox"/>	Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(6)	<input type="checkbox"/>	Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(7)	<input type="checkbox"/>	Trial[set for/re-set for] on _____ at _____.
(8)	<input type="checkbox"/>	[Bench/Jury trial] [Hearing] held/continued to _____ at _____.
(9)	<input type="checkbox"/>	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] <input type="checkbox"/> FRCP4(m) <input type="checkbox"/> Local Rule 41.1 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2).
(10)	<input checked="" type="checkbox"/>	[Other docket entry] Enter Supplement to Memorandum Opinion and Order. That of course means the Opinion's characterization of Gentieu's expenditure of time as an add-on to the accountant's charges for what had been thought to be the accountant's 113-page report must be corrected. But that necessary correction in the description of the report does not alter either the Opinion's analysis or the conclusions reached there.
(11)	<input checked="" type="checkbox"/>	[For further detail see order attached to the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.	
<input type="checkbox"/>	No notices required.	
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.	
<input type="checkbox"/>	Notified counsel by telephone.	
<input type="checkbox"/>	Docketing to mail notices.	
<input type="checkbox"/>	Mail AO 450 form.	
<input type="checkbox"/>	Copy to judge/magistrate judge.	
SN	courtroom deputy's initials	number of notices JAN 17 2003 date docketed  docketing deputy initials 1/16/2003 date mailed notice SN mailing deputy initials
		Date/time received in central Clerk's Office

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

PENNY GENTIEU, et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
TONY STONE IMAGES/CHICAGO, INC., )  
et al., )  
 )  
Defendants. )

No. 00 C 269

DOCKETED  
JAN 17 2003

SUPPLEMENT TO MEMORANDUM OPINION AND ORDER

At this morning's status hearing, which had been set at the conclusion of this Court's January 13, 2003 memorandum opinion and order ("Opinion"),<sup>1</sup> counsel for Gentieu orally pointed out an inadvertent error in the Opinion. In the course of itemizing Penny Gentieu's claim to be paid \$100 an hour for all the time that she listed as her having spent personally in connection with the audit at issue, Opinion at 3 referred in part to "a 32% add-on to the accountant's charges attributable to Gentieu's self-perceived need to 'report' on the accountant's own report (21 hours of her time, for a claimed fee of \$2,100)."

That characterization had stemmed from this Court's assumption as to what was involved in the following entry that formed part of Penny Gentieu's October 28, 2002 one-page list of what she termed "Cost of the Stonewalled Audit":

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<sup>1</sup> This supplement to the Opinion will employ the same designations for the parties that were used there.

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Gentieu's time: report on the 113 page  
report (21 hours)

Because the October 28 statement provided no explanation beyond that, nor did the parties' submissions on Getty's motion cast any light on the subject, this Court simply made what appeared to be the natural assumption that it had been Gentieu's accountant whose 113-page report was referred to. But as Gentieu's counsel explained this morning, that report had instead been one provided by Getty (not by Gentieu's accountant) in conjunction with the items that entered into the determination of assertedly unpaid and late-paid license fees.

That of course means the Opinion's characterization of Gentieu's expenditure of time as an add-on to the accountant's charges for what had been thought to be the accountant's 113-page report must be corrected. But that necessary correction in the description of the report does not alter either the Opinion's analysis or the conclusions reached there.



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Milton I. Shadur  
Senior United States District Judge

Date: January 16, 2003